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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,565	12/21/2001	Andrew Mark Stringer	41759-57619	3948

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,565	STRINGER, ANDREW MARK	
	Examiner	Art Unit	
	George C. Neurauter, Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1, 3-9 and 12-15 are currently presented and have been examined.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-9, and 12-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 1, 3-9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6 088 687 to Leleu.

Regarding claim 1, Leleu discloses a method of electronic payment for data transferred across a computer network containing at least one client, at least one server and at least one router which forwards data, the method comprising the steps of sending an electronic data request from a client to a server via one or more routers; sending electronic data in the form of data packets from said server to said client via one or more routers in response to said electronic data request, (Figure 2; column 3, lines 54-column 4, line 5; column 4, lines 20-26; column 6, line 14-column 7, line 60)

whereby the operation of the server is governed by a server protocol which causes the data packet sent from the server to have associated with it a data field containing a value which represents a monetary worth of the electronic data in the data packet, (column 2, lines 7-11; column 4, lines 29-36; column 8, lines 49-61; column 9, lines 5-11)

whereby each of said one or more routers has a router protocol which causes each router to forward the data packet in accordance with a routing table and to update the value contained in the data field to reflect the added monetary worth of the electronic data in the data packet associated with the

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action of forwarding the data packet. (column 2, lines 12-23; column 4, lines 40-43; column 9, lines 13-22)

Leleu does not expressly disclose wherein the value is increased, however, Leleu does disclose that the value is decreased ("debited").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Leleu to increase the value since it would have been well within the level of knowledge and skill of one of ordinary skill in the art that to simply increase a value by accumulation of such a value rather than decrease a value by disbursement as disclosed in Leleu would have been obvious. One of ordinary skill would have recognized that replacing the simple act of mathematical subtraction with addition in order to accomplish the same result as taught in Leleu and would have modified the teachings of Leleu in order to achieve the claimed invention.

Regarding claim 3, Leleu discloses the method according to Claim 1, wherein each of said one or more routers receives an incoming data packet, containing electronic data and a data field associated with the electronic data in the incoming data packet, reads the value in the data field, calculates a new value based on the read value and the cost of forwarding the packet, and forwards the data packet with the new value in the

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associated data field. (column 2, lines 12-23; column 4, lines 40-43; column 9, lines 13-22)

Regarding claim 4, Leleu discloses the method according to Claim 3, wherein each of said one or more routers checks whether the value in the data field associated with the electronic data in the incoming data packet falls within predefined parameters and rejects the packet if the value falls outside the predefined parameters. (column 4, lines 61-67)

Regarding claim 5, Leleu discloses the method according to Claim 1, wherein the electronic data request has associated with it a data field containing a value which represents the commercial value of the data contained within the electronic data request. (column 1, line 66-column 2, line 2)

Regarding claim 6, Leleu discloses the method according to Claim 1, wherein total accumulated values for transactions between routers or between routers and servers/clients are recorded. (column 4, lines 44-56)

Regarding claim 7, Leleu discloses the method according to Claim 6, wherein clearance payments are made between the operators and/or users of the routers and servers/clients, the clearance payments corresponding to the total accumulated values. (column 4, lines 44-56; column 16, lines 3-5 and 9-17)

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Claims 8 and 9 are also rejected since claim 8 recites a system that contains substantially the same limitations as recited in claims 1 and 3 in combination and claim 9 recites a system as recited in claim 4.

Claims 12-13 are also rejected since claims 10-13 recite a method that contain substantially the same limitations as recited in claims 3-4 respectively.

Regarding claim 14, Leleu discloses a method according to claim 1, in which the requested data is sent from said server to said client in the form of a packet, wherein said packet comprises a packet header, the packet data containing the requested data, and the packet header containing one or more address fields containing address information relating to the client and/or server and a data field containing a value which represents a commercial value of the requested data contained within the packet data. (column 2, lines 7-11; column 4, lines 29-36; column 8, lines 49-61; column 9, lines 5-11)

Claim 15 is rejected since claim 15 recites a method that contains substantially the same limitations as recited in claim 3.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS**

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ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

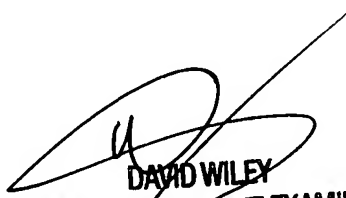
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 571-272-3918. The examiner can normally be reached on Monday-Friday 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gcn


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